

IN THE SENATE

SENATE BILL NO. 1224

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN EVALUATIONS; DECLARING AN EMERGENCY; AND PROVIDING A CONTINGENT SUNSET DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-514, Idaho Code, be, and the same is hereby amended to read as follows:

33-514. ISSUANCE OF ANNUAL CONTRACTS -- SUPPORT PROGRAMS -- CATEGORIES OF CONTRACTS -- OPTIONAL PLACEMENT -- WRITTEN EVALUATION. (1) The board of trustees shall establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-515, Idaho Code.

(2) There shall be two (2) categories of annual contracts available to local school districts under which to employ certificated personnel:

(a) A category A contract is a limited one (1) year contract for certificated personnel in the first or greater years of continuous employment with the same school district. Upon the decision by a local school board not to reemploy the person for the following year, the certificated employee shall be provided a written statement of reasons for non-reemployment by no later than July 1. Provided however, that no such decision shall be made until after the completion of the written evaluation required by subsection (4) of this section, unless such decision is being made pursuant to a reduction in force. No property rights shall attach to a category A contract and therefore the employee shall not be entitled to a review by the board of trustees of the reasons or decision not to reemploy.

(b) A category B contract is a limited two (2) year contract that may be offered at the sole discretion of the board of trustees for certificated personnel in their fourth or greater year of continuous employment with the same school district. The board of trustees may, at its sole discretion, add an additional year to such a contract upon the expiration of the first year, resulting in a new two (2) year contract. The board of trustees may, at its sole discretion, terminate the second year of a category B contract upon the conclusion of the first year, in the event of a reduction in force. Upon the decision by a board of trustees not to reemploy the person employed on a category B contract for the following year, the certificated employee shall be provided a written statement of reasons for non-reemployment by no later than July 1. The employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees. The parameters of an informal review shall be determined by the local board. Provided however, that no such decision shall be made until after the completion of the writ-

1       ten evaluation required by subsection (4) of this section, unless such  
 2       decision is being made pursuant to a reduction in force. No property  
 3       rights shall attach to a category B contract and therefore the employee  
 4       shall not be entitled to a formal review by the board of trustees of the  
 5       reasons or decision not to reemploy.

6       (3) School districts hiring an employee who has been on renewable con-  
 7       tract status as provided in section 33-515, Idaho Code, with another Idaho  
 8       district shall have the option to immediately grant renewable contract sta-  
 9       tus, or to place the employee on a category A or B contract. A certificated  
 10      instructional employee hired with previous out-of-state experience shall  
 11      not be eligible to receive a renewable contract, but may be offered a cate-  
 12      gory A or B contract, based on the employee's years of experience, including  
 13      out-of-state years of experience as if such years had been worked in Idaho.

14      (4) There shall be a minimum of one (1) written evaluation in each of the  
 15      annual contract years of employment, the first portion of which shall be com-  
 16      pleted before February 1 of each year, ~~and shall include input from parents~~  
 17      ~~and guardians of students as a factor.~~ A second portion shall be included  
 18      for all evaluations conducted after June 30, 2012. This second portion ~~shall~~  
 19      ~~comprise at least fifty percent (50%) of the total written evaluation and~~  
 20      shall be based on objective measure(s) of growth in student achievement and  
 21      input from parents and guardians of students. The objective measure(s) of  
 22      growth in student achievement shall comprise at least fifty percent (50%) of  
 23      the total written evaluation. The requirement to provide at least one (1)  
 24      written evaluation does not exclude additional evaluations that may be per-  
 25      formed. No civil action for money damages shall arise for failure to comply  
 26      with this subsection.

27      SECTION 2. An emergency existing therefor, which emergency is hereby  
 28      declared to exist, this act shall be in full force and effect on and after its  
 29      passage and approval.

30      SECTION 3. If Chapter 96, Laws of 2011, is rejected through voter refer-  
 31      endum in November 2012, the provisions of this act shall be null, void and of  
 32      no further force or effect.